

S. Becker



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Office Automated Technology, Inc.

**File:** B-257859

**Date:** July 20, 1994

### DECISION

Office Automated Technology, Inc. protests the rejection of its proposal as late by the Department of the Army under solicitation No. DAHC94-94-R-0007.

The protester challenges the rejection of its proposal, arguing that even though received late, the proposal should be considered for award because the late arrival was caused by an unforeseen traffic accident.

A late proposal may be considered only where (1) it was sent by registered or certified mail no later than 5 calendar days before the date specified for receipt of offers; (2) it was sent by mail, or, if authorized by the solicitation, by telegram or facsimile, and it was determined that late receipt was due solely to government mishandling after receipt at the government installation; or (3) it was sent by U.S. Postal Service Express Mail Next Day Service no later than 5 p.m. at the place of mailing 2 working days prior to the date specified for receipt of proposals. See Federal Acquisition Regulation §§ 15.412, 52.215-10. Hand-carried proposals may also be considered, even though received late, if the lateness was due to improper government action. The Chappy Corp., B-252757, July 20, 1993, 93-2 CPD ¶ 44.

Here, the protester concedes its proposal was late because of an unforeseen traffic accident. Under the applicable rules, late bids and proposals may not be accepted under such circumstances. T.E. DeLoss Equip. Rentals, B-214029, July 10, 1984, 84-2 CPD ¶ 35; Phelps-Stokes Fund, B-194347, May 21, 1979, 79-1 CPD ¶ 366. Therefore, the proposal was properly rejected.

The protest is dismissed.

A handwritten signature in cursive script, reading "Ronald Berger".

Ronald Berger  
Associate General Counsel

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